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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,189	10/30/2003	Ran M. Oz	5079P022C	9908
8791 7590 05/26/2009 BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP 1279 OAKMEAD PARKWAY SUNNYVALE, CA 94085-4040				
EXAMINER				
SAINT CYR, JEAN D				
ART UNIT		PAPER NUMBER		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/698,189

**Applicant(s)**

OZ ET AL.

**Examiner**

JEAN D. SAINT CYR

**Art Unit**

2425

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 April 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10/30/2009 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

**DETAILED ACTION**

**Examination Under 37 CFR 1.114.**

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 04/02/2009 has been entered.

***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-8, 9-15 and 19-27 are rejected under 35 U.S.C. 101 because those claims disclose a method for providing a media stream and they are not tied to a machine.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-21, 23-25, 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gordon et al in view of Cho et al, US No. 20030093802.

Re claim 1, Gordon et al disclose a method for providing media streams, the method comprising the steps of (see fig.1):

receiving live media streams at a first path(a stream containing a real-time bitstream of encoded video information that is to be broadcast to the subscribers, col.3, lines 51-53);

providing a live media stream from the first path to a client, in response to a request to provide the live media stream to the client(the specific data streams are provided in response to requests for information,col.4, lines 10-11);

retrieving media related information (the video session manager 122 responds to requests from the subscriber equipment 106 for interactive menus and data streams by requesting the server 108 to provide such information, then communicating that information to the requesting subscriber equipment, col.4, lines 33-37);

generating a non-live media stream (second is a stream containing a non-real-time bitstream of encoded video information that is stored by the information server, col.3, lines 54-56), by utilizing the media related information, in response to a request to provide the non-live media stream to a client (the subscriber may, at any time during the broadcast, elect to review content of the broadcast that was previously displayed. Upon electing to review, the system transmits the storage bitstream to the subscriber in a pointcast manner, col.2, lines 18-22).

But did not explicitly disclose providing the non-live media stream from a second path to the client, wherein the second path comprises a network link that differs from a network link of the first path.

However, Cho et al disclose providing the non-live media stream from a second path to the client, wherein the second path comprises a network link that differs from a network link of the first path (see fig.3, regular channel and patched channel; The control

channel 204 is used to deliver control messages between the video server 205 and the clients 201, and the regular channel 202 and the patched channel 203 is used to deliver actual data of videos,0056; clients can simultaneously receive an identical stream through utmost 2 channels,0062).

It would have been obvious for any person of ordinary skill in the art at that time the invention was made to combine the invention of Gordon with the invention of Cho for the purpose allowing the system to use two different channels to transmit live and non-live.

Re claim 2, Gordon et al teach wherein the first path comprises a data acquisition unit (see fig.1, encoder 200; the video data is produced by an encoder 200 as two streams, col.3, lines 49-50) and a video pump (see fig.1, element 122, Video session manager; the video session manager contains its own central processing unit and associated memory that provides functionality for the graphical user interfaces through which the consumer interacts with the system, col.3, lines 60-64).

Re claim 3, Gordon et al did not explicitly disclose wherein the second path comprises a media server and a media pump being coupled to each other by a bandwidth limited link.

However, Cho et al disclose wherein the second path comprises a media server(see fig.3, video server) and a media pump (see fig.3, video information manager) being coupled to each other by a bandwidth limited link(bandwidth of a server in a network can be reduced,0054).

It would have been obvious for any person of ordinary skill in the art at that time the invention was made to combine the invention of Gordon with the invention of Cho for the purpose of limiting congestion in transmission..

Re claim 4, Gordon et al disclose wherein the media related information comprises information indicative of a location of a stored media stream(see fig.4, address information; col.6, lines 40-44) and wherein the generating of a non-live media stream further comprises a determination of which frames of the stored media stream to fetch from the first path(recall order of the frames from the buffer and the multiplexing process are controlled by controller 110 by addressing the buffer,col.6, lines 29-32)

Re claim 5, Gordon et al teach wherein the non-live media stream is MPEG compliant (produces MPEG-2 complaint, col.2, line 28).

Re claim 6, Gordon et al teach wherein the non-live media stream is a trick mode media stream (see fig.2, element 208, trick play stream; the exemplary trick play streams are fast forward and fast reverse, col.5, line 45-46).

Re claim 7, Gordon et al teach further comprising a step of providing a live media stream from the first path to a client, in response to a request to provide a slightly delayed media stream to the client (an alternative to requiring the subscriber to fast forward to catch up to the broadcast stream is to provide a "catch" button that, when depressed, causes the subscriber terminal to instantly transition from decoding the storage bitstream to decoding the broadcast bitstream, col.8, lines 29-33; that means users can still receive live media stream in the first path even when there is some delay in their connection).

Re claim 8, Gordon et al disclose further comprising converting live media streams to, non-live media streams (see fig.1, the data storage stores the live media stream).

Re claim 9, Gordon et al disclose a system for providing media streams, the system comprising: a first path for receiving live media streams and for providing a live media stream to a client, in response to a request to provide the live media stream to the client (first is a stream containing a real-time bitstream of encoded video information that is to be broadcast to the subscribers, col.3, lines 51-53); and

a second path operable to retrieve media related information(second is a stream containing a non-real-time bitstream of encoded video information that is stored by the information server,col.3, lines 54-56); to generate at least a portion of a non-live media stream in response to a request to provide the non-live media stream to the client(upon electing to review, the system transmits the storage bitstream to the subscriber,col.2, lines 20-21), by utilizing the media related information, and to provide the non-live media stream to the client, in response to the request to provide the non-live media stream to the client(the subscriber, at any time, may elect to review a portion of the program that has already been watched, col.7, lines 43-45).

But did not explicitly disclose wherein the second path comprises a network link that differs from a network link of the first path.

However, Cho et al disclose wherein the second path comprises a network link that differs from a network link of the first path(see fig.3, regular channel and patched channel; The control channel 204 is used to deliver control messages between the video server 205 and the clients 201, and the regular channel 202 and the patched channel 203 is used to deliver actual data of videos,0056; clients can simultaneously receive an identical stream through utmost 2 channels,0062).

It would have been obvious for any person of ordinary skill in the art at that time the invention was made to combine the invention of Gordon with the invention of Cho for the purpose allowing the system to use two different channels to transmit live and non-live.

Re claim 10, Gordon et al teach wherein the first path comprises a data acquisition unit (see fig.1, encoder 200; the video data is produced by an encoder 200 as two streams, col.3, lines 49-50) and a video pump (see fig.1, element 122, Video session manager; the video session manager contains its own central processing unit and associated memory that provides functionality for the graphical user interfaces through

which the consumer interacts with the system, col.3, lines 60-64).

Re claim 11, Gordon et al did not explicitly disclose wherein the second path comprises a media server and a media pump being coupled to each other by a bandwidth limited link.

However, Cho et al disclose wherein the second path comprises a media server(see fig.3, video server) and a media pump (see fig.3, video information manager) being coupled to each other by a bandwidth limited link(bandwidth of a server in a network can be reduced,0054).

It would have been obvious for any person of ordinary skill in the art at that time the invention was made to combine the invention of Gordon with the invention of Cho for the purpose of limiting congestion and delay in transmission.

Re claim 12, Gordon et al disclose wherein the media related information comprises portions of the non-live media stream (rewatch a previously viewed portion of the real- time event, col.2, lines 60-61).

Re claim 13, Gordon et al teach wherein the non-live media stream is MPEG compliant media stream (produces MPEG-2 complaint, col.2, line 28).

Re claim 14, Gordon et al teach wherein the non-live media stream is a trick mode media stream (see fig.2, element 208, trick play stream; the exemplary trick play streams are fast forward and fast reverse, col.5, line 45-46).

Re claim 15, Gordon et al teach further comprising a step of providing a live media stream from the first path to a client, in response to a request to provide a slightly delayed media stream to the client (an alternative to requiring the subscriber to fast forward to catch up to the broadcast stream is to provide a "catch" button that, when depressed,



causes the subscriber terminal to instantly transition from decoding the storage bitstream to decoding the broadcast bitstream, col.8, lines 29-33; that means users can still receive live media stream in the first path even when there is some delay in their connection.

Re claim 16, Gordon et al disclose a system for providing media streams, the system comprising: an acquisition unit coupled to a media source(see fig.1, encoder 200; the video data is produced by an encoder 200 as two streams, col.3, lines 50-51);

a media storage(see fig.1, element 114; data storage; the data storage device that that generally stores the subscriber information that is transmitted directly to the subscriber equipment, col.3, lines 45-48) and management entity(see fig.1, element 142, network manager);

a video pump interface, coupled to the output of the acquisition unit via a first path(see fig.1, element 116 and element 122, Video session manager) to the media storage and management entity via a second path(see fig.1, element 134, back channel) and to a command channel(see fig.1, element 133, forward command channel), the video pump interface is operable to receive instructions/ requests from an end-user and accordingly to determine whether to feed the video pump with live stream media from the acquisition unit via the first path or to initiate a data fetch sequence for fetching data stored in the media storage and management entity, via the second path, in case where trick modes are required(If the subscriber elects to fast forward through the video, the subscriber terminal once again sends, at step 534, a request to the session control manager 125, col.8, lines11-13);

a video pump that is operable to determine which data to fetch from the media storage and management entity and when to transmit it according to MPEG timing (Upon electing to review, the system transmits the storage bitstream to the subscriber, col.2, lines 20-21);

wherein the media storage and management entity is adapted to generate at least a portion of a non-live media stream in response to a request to provide the non-live media stream to a client(Upon electing to review, the system transmits the storage bitstream to the subscriber,col.2, lines 20-21).

But did not explicitly disclose wherein the second path comprises a network link that differs from a network link of the first path.

However, Cho et al disclose wherein the second path comprises a network link that differs from a network link of the first path(see fig.3, regular channel and patched channel; The control channel 204 is used to deliver control messages between the video server 205 and the clients 201, and the regular channel 202 and the patched channel 203 is used to deliver actual data of videos,0056; clients can simultaneously receive an identical stream through utmost 2 channels,0062).

It would have been obvious for any person of ordinary skill in the art at that time the invention was made to combine the invention of Gordon with the invention of Cho for the purpose allowing the system to use two different channels to transmit live and non-live.

Re claim 17, Gordon et al disclose wherein the video pump is operable to fetch selected portions of the data stored at the media storage and management entity(the video session manager accomplishes all of the transmission interface requirement of the system, col.4, lines 17-18; the video session manager interprets each command set from terminal through the back channel and instructs the information server to perform certain function to implement the consumer/ subscriber request, col.5, lines 7-10).

Re claim 18, Gordon et al teach wherein the video pump is further operable to transmit retrieved data over a network to the end-user (see fig.1, where the video session manager is connected to the cable subsystem and to the subscriber equipment; the cable

transport subsystem can be any one of a number of conventional broad band communications networks, col.4, lines 41-43).

Re claim 19, is met as previously discussed with respect to claim 1.

Re claim 20, Gordon et al disclose wherein the generating comprises generating at least the portion of the non-live media stream by converting the live media stream to provide at least the portion of the non-live media stream (the subscriber may watch an event in real-time, then elect to "rewatch" a previously viewed portion of the real-time event, col.2, lines 58-62).

Re claim 21, Gordon et al disclose wherein the receiving further comprises receiving a live media stream from a first media source, and wherein the retrieving comprises retrieving media related information from a second media source that is different from the first media source(see fig.1, source video and information server).

Re claim 23, Gordon et al disclose wherein the converting comprises converting a live media stream to a non-live media stream that substantially includes intra coded frames of the live media stream and duplicating frames (see fig.3).

Re claim 24, Gordon et al disclose wherein the second path is further operable to generate at least the portion of the non-live media stream by converting the live media stream to provide at least the portion of the non-live media stream (see fig.2).

Re claim 25, Gordon et al disclose wherein the first path is operable to receive a live media stream from a first media source, and wherein the second path is further operable to retrieve media related information from a second media source that is different from the first media source(see fig.1, source video and information server).

Re claim 27, Gordon et al disclose wherein the media storage and management

entity is adapted to convert a live media stream to a non-live media stream that substantially includes the intra coded frames of at least a portion of the live media stream, and duplicating frames(see fig.3).

Claims 22, 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gordon et al in view of Cho further in view of Zimmermann et al, US No. 20030161302.

Re claim 22, Gordon et al did not explicitly disclose further comprising storing non-live media streams at the video pump, providing a first portion of the non-live media stream from the video pump to the client, and providing a second portion of the non-live media stream from the media server, wherein the generating comprises generating the second portion of the non-live media stream.

However, Zimmermann et al disclose Each of the plurality of nodes may be to store segments of the data stream and to transmit the segments of the data stream in a sequence according to a scheduler module on the respective node,0026.

It would have been obvious for any person of ordinary skill in the art at that time the invention was made to combine the invention of Gordon in view of Cho with the invention of Zimmermann for the purpose of receiving portions of the content from different locations or sources.

Re claim 26, is met as previously discussed with respect to claim 22.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean Duclos Saintcy whose phone number is 571-270-3224. The examiner can normally reach on M-F 7:30-5:00 PM EST.If attempts to reach the

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examiner by telephone are not successful, his supervisor, Brian Pendleton, can be reached on 571-272-7527. The fax number for the organization where the application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Retrieval (PAIR) system. Status information for published applications may be obtained from either private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, dial 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jean Duclos Saintcy /

/Brian T. Pendleton/

Supervisory Patent Examiner, Art Unit 2425